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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/083,952	05/22/98	SANSONE	R E-710

LM12/0320

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EXAMINER

DIXON, T

ART UNIT	PAPER NUMBER
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2761

DATE MAILED:

03/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/083,952

Applicant(s)

SANSONE, RONALD P.

Examiner

Thomas A. Dixon

Art Unit

2761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 12 January 2000.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2 and 9-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-32 is/are allowed.
- 6) ☐ Claim(s) 2,9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 14) ☐ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other:

Art Unit: 2761

### DETAILED ACTION

1. Claims 1, 3-8 and 33 have been cancelled. Claims 2, 9-12 have been amended.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112 1<sup>st</sup> paragraph:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2, 9-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to

Art Unit: 2761

make and/or use the invention. Specifically, Claims 9, 10, 11, and 12 state in the preamble "a system for metering permit mail, wherein a portion of the pre-printed information is printed with a phosphorescent ink and the remaining portion of the pre-printed information is printed with non-luminescent ink" which is not supported by the body of the claim and is therefore not enabled and will not be given any patentable weight.

Those claims not specifically rejected are rejected as being based on a rejected base claim and are rejected for the same reasons.

The following is a quotation of the second paragraph of 35 U.S.C. 112 2<sup>nd</sup>

Paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The rejections of Claims 19 and 24 are withdrawn in view of applicants amendment.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2761

5. Claims 9,2,11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubbard (3,869,986).

As per Claim 9.  
Hubbard ('986) discloses:  
means for pre-printing information on a mail piece to produce a postal indicia,  
see Figure 1, (30)  
means for printing variable payment information within the postal indicia  
or within the vicinity of the postal indicia, see Figure 1, (38).

As per Claim 2.  
Hubbard ('986) discloses all the limitations of Claim 9.  
Hubbard ('986) further discloses first and second means are in different  
locations, see Figure 1 (16) and (40).

As per Claim 10.  
Hubbard ('986) discloses:  
means for pre-printing information on a mail piece to produce a postal indicia,  
see Figure 1, (30)  
means for printing variable payment information within the postal indicia  
or within the vicinity of the postal indicia, see Figure 1, (38).

As per Claim 11.  
Hubbard ('986) discloses:  
means for pre-printing information on a mail piece to produce a postal indicia,  
see Figure 1, (30)  
means for printing variable payment information within the postal indicia  
or within the vicinity of the postal indicia, see Figure 1, (38).

As per Claim 12.  
Hubbard ('986) discloses:  
means for pre-printing information on a mail piece to produce a postal indicia,  
see Figure 1, (30)  
means for printing variable payment information within the postal indicia  
or within the vicinity of the postal indicia, see Figure 1, (38).

As per Claim 13.  
Hubbard ('986) discloses all the limitations of claim 9.  
Hubbard ('986) further discloses the apparatus may be arranged in a manner  
similar to a postage meter, see Column 2, lines 30-33, a postage meter generally has a

Art Unit: 2761

means for collecting payment for the printed variable payment information, ie. a decending register.

As per Claim 14.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) further discloses the apparatus may be arranged in a manner similar to a postage meter, see Column 2, lines 30-33.

As per Claim 15.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) further discloses the apparatus may be arranged in a manner similar to a postage meter, see Column 2, lines 30-33, a postal meter generally includes a means for recording payments for the printed postal indicia, ie. a decending register.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbard ('986) as applied to claim 13 above, and further in view of Markl et al ('706).

As per Claim 16.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) does not disclose:

a scale coupled to the postage meter to weigh the mail piece; and

a rate table coupled to the meter so that the correct postage may be computed.

Markl et al ('706) discloses a scale coupled to a postage meter, see Figure1 (2), and a rate table, see Column 4, line 23 - Column 5, line 3 for the benefit of updating postal rates in a timely inexpensive way.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to utilize a scale and rate table as taught by Markl et al ('706) in the invention of Hubbard ('986) for the benefit of updating postal rates in a timely inexpensive way.

Art Unit: 2761

As per Claim 17.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) does not disclose a data center that is coupled to said collecting means so that additional funds may be remotely added to said means for collecting payment.

Markl et al ('706) discloses a data center for replenishing funds, see Column 4, line 23 - Column 5, line 3 for the benefit of updating postal rates in a timely inexpensive way.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to utilize a data center for replenishing funds as taught by Markl et al ('706) in the invention of Hubbard ('986) for the benefit of updating postal rates in a timely inexpensive way.

As per Claim 18.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) does not disclose said means for collecting is a postal security device.

Markl et al ('706) discloses the use of chip cards as postal security devices, see Column 4, line 58 - Column 5, line 3 for the benefit of updating postal rates in a timely inexpensive way.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to utilize chip cards as postal security devices as taught by Markl et al ('706) in the invention of Hubbard ('986) for the benefit of updating postal rates in a timely inexpensive way.

As per Claim 19.

Hubbard ('986) in view of Markl et al ('706) discloses all the limitations of Claim 18.

Hubbard ('986) further discloses the apparatus may be arranged in a manner similar to a postage meter, see Column 2, lines 30-33, a postal meter generally includes a means for recording payments for the printed postal indicia, ie. a decending register which is a means for collecting variable security information.

As per Claim 20.

Hubbard ('986) in view of Markl et al ('706) discloses all the limitations of Claim 16.

Hubbard ('986) does not disclose a data center that is coupled to said collecting means so that additional funds may be remotely added to said means for collecting payment.

Markl et al ('706) discloses a data center for replenishing funds, see Column 4, line 58 - Column 5, line 3 for the benefit of updating postal rates in a timely inexpensive way.

Art Unit: 2761

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to utilize a data center for replenishing funds as taught by Markl et al ('706) in the invention of Hubbard ('986) for the benefit of updating postal rates in a timely inexpensive way.

***Allowable Subject Matter***

8. Claims 21-32 are allowable.



Art Unit: 2761


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Friday 7 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz can be reached on (703) 305-9714. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

TAD  
March 15, 2000

  
EMANUEL TODD VOELTZ  
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GROUP 2700